

## REMARKS

In the Office Action dated June 15, 2006, claims 1-20 were presented for examination. Claims 14-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Lennon et al.*, U.S. Patent Publication No. 2002/0107973.

Applicants wish to thank the Examiner for the careful and thorough review and action on the merits in this application.

### **I. Rejection Under 35 U.S.C. §101**

In the Office Action dated June 15, 2006, the Examiner rejected claims 14-20 under 35 U.S.C. §101 indicating the claims are directed to non-statutory subject matter. The Examiner has further indicated that the language of these claims support a signal bearing medium such as a carrier signal, and that a carrier signal is not considered statutory subject matter. Applicants have amended claim 14 to remove the language “signal bearing medium”, and have amended claim 15 to remove the language “modulated carrier signal”. The amendments to claims 14 and 15 is not an abstract idea, but rather is a concrete and tangible form that accomplishes a practical application. Accordingly, in view of the amendments presented herein, Applicants respectfully request that the Examiner remove the rejection of claims 14-20 under 35 U.S.C. §101.

### **II. Rejection Under 35 U.S.C. §112**

In the Office Action dated June 15, 2006, the Examiner rejected claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner raised an issue with the word “invoking . . . in response to said interpretation”. Applicants have amended independent claims 1 and 14 which both used the term “invoking” and have replaced this term with “executing”. No new matter is being added to the application with this substitution of terms. The term “invoking” is not present in independent claim 8, and as

such, Applicants has not placed a comparable amendment in claim 8. Accordingly, in view of the amendments presented herein, Applicants respectfully request that the Examiner remove the rejection of claims 1-20 under 35 U.S.C. §102(b).

### **III. Rejection Under 35 U.S.C. §102(b)**

In the Office Action dated June 15, 2006, the Examiner rejected claims 1-20 as being anticipated under 35 U.S.C. §102(b) by *Lennon et al.*, U.S. Patent Publication No. 2002/0707973.

Applicants respectfully traverses the rejection as follows. The *Lennon et al.* '973 publication pertains to browsing collections of metadata to access electronic multimedia content. The metadata may be stored in a remote location. See paragraph 74. However, regardless of the location of the metadata storage, a link is created to the corresponding multimedia item. See paragraphs 72 and 74. The metadata items of *Lennon et al.* are used to "facilitate access to content". See paragraph 66. The links of *Lennon et al.* that are generated through a local or remote server module are used to provided access to multimedia content, *i.e.* data. Accordingly, *Lennon et al.* acts upon the data stored in the object.

In contrast, Applicants have amended each of the independent claims 1, 8 and 14 to include the limitation associated with management of an object. Support for this amendment is found on page 6, line 12 of the Specification. *Lennon et al.* teaches using a hardware device as a conduit to access a data file in a repository. However, there is no teaching within *Lennon et al.* to manage configuration of it's hardware device. Applicants' invention pertains to managing configuration of an object, wherein such configuration alters how the object operates, not to using a hardware element as a conduit to accessing data stored therein. It is clear that *Lennon et al.* uses device metadata to facilitate access to multimedia files containing data content. However, *Lennon et al.* does not expressly or inherently teach that the metadata is used to manage configuration of it's hardware device that controls access to a data file. In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). Since *Lennon et al.* does not associate use of the metadata to manage configuration of an object, clearly *Lennon et al.* does not anticipate the invention of Applicants based upon the legal definition of anticipation. Accordingly, Applicants respectfully request that the Examiner remove the rejection of claims 1-20 and grant an allowance of these claims.

#### **IV. Conclusion**

Applicants believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner indicate allowability of claims 1-20, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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